

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA, : **NOTICE OF MOTION**

-against- : Docket 07 Cr. 566(GBD)

DAVID WILKINS, et al., :
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PLEASE TAKE NOTICE that defendant DAVID WILKINS, and other co-defendants who join this motion, upon the attached Memorandum of Law and Exhibits, moves this Court by his attorney, TONI MESSINA, before the Honorable George Daniels at the United States Courthouse located at 500 Pearl Street, New York, New York, for an order granting the following relief:

1. Suppressing electronic surveillance evidence pursuant to the Fourth Amendment of the United States Constitution and 18 U.S.C. 2515 and 2518.
2. Granting a hearing to determine the audibility of tapes and the accuracy of line sheets;
3. Directing the government to transcribe the intercepted communications and categorize them in specified manners pursuant to the Due Process Clause and the Sixth Amendment of the U.S. Constitution;
4. Directing the Government to disclose various discovery pursuant to Fed. Rule Crim. Proc. 16, thirty days before trial, i.e., a list of exhibits expected to be offered during its direct case; a list of anticipated witnesses; a list of unindicted coconspirators; a summary of expert testimony; and notice of any uncharged

crimes or prior bad acts which it may seek to introduce pursuant to Fed. Rule Evid. 404(b);

5. Pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972) and their progeny, directing the Government to disclose as soon as it becomes available any material that is either exculpatory useful for purposes of cross-examination, or helpful in discovering other material information;
6. Ruling *in limine* that statements contained in the eavesdropping applications, progress reports and line sheets are admissible against the Government pursuant to Fed. R. Evid. 801;
7. Granting David Wilkins permission to join all motions on behalf of all co-defendants to the extent such motions are relevant and applicable herein, and are not inconsistent with the relief sought herein; and
8. Granting such other further and different relief as this Court may deem just, equitable and proper.

Dated: New York, New York
April 11, 2008

Respectfully submitted,

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TO: Clerk of the Court
United States District Court

Southern District of New York
500 Pearl Street
NY, NY 10007

Hon. George B. Daniels
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